

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NORTH AMERICAN ELITE INSURANCE  
COMPANY AS SUBROGEE OF PENN  
FOUNDATION, INC.**

**Plaintiff,**

**v.**

**VICTORY FIRE PROTECTION, INC.,  
Defendant/Third-Party  
Plaintiff**

**v.**

**PENN BUILDERS, INC.**

**Third-Party  
Defendant.**

**CIVIL ACTION**

**NO. 17-3554**

**O R D E R**

**AND NOW**, this 28th day of January, 2019, upon consideration of Third-Party Defendant Penn Builders' Motion for Summary Judgment and briefing in support thereof (ECF Nos. 97 & 103), Plaintiff NAEIC's response thereto (ECF No. 101), and Defendant/Third-Party Plaintiff Victory's response thereto (ECF No. 102), it is hereby **ORDERED** that Third-Party Defendant's Motion is **DENIED**.

**IT IS FURTHER ORDERED**, upon consideration of Defendant/Third-Party Plaintiff Victory's Motion for Summary Judgment (ECF No. 98) and Plaintiff NAEIC's response thereto (ECF No. 100), Defendant/Third-Party Plaintiff's Motion is **DENIED**.

**BY THE COURT:**

**/s/Wendy Beetlestone, J.**

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**WENDY BEETLESTONE, J.**

